

HCS HB 1869 -- INITIATIVE AND REFERENDUM PETITIONS

SPONSOR: Dugger

COMMITTEE ACTION: Voted "do pass" by the Committee on Elections by a vote of 10 to 0.

This substitute changes the laws regarding initiative and referendum petitions. In its main provisions, the substitute:

(1) Prohibits a person who has been convicted of, found guilty of, or pled guilty to an offense involving forgery under the laws of Missouri or an offense in any other jurisdiction that would be considered forgery if committed in Missouri from qualifying as a petition circulator;

(2) Requires a person collecting signatures for an initiative or referendum petition to indicate whether or not he or she is being compensated by predominantly displaying a sign or button stating that information. Any violation of this provision will be an infraction subject to a penalty of not less than \$100 but not more than \$500;

(3) Specifies that any person who knowingly signs any name other than his or her own to any petition will, upon conviction, be guilty of a class one election offense which is a felony. Currently, any person who signs any name other than his or her own to any petition is guilty of a class A misdemeanor;

(4) Allows any person who submits a petition to the Secretary of State to withdraw the petition upon written notice;

(5) Requires the Joint Committee on Legislative Research to hold a public hearing in Jefferson City on a ballot measure within 30 days of the Secretary of State's certification to place the ballot measure on the ballot. The hearing will take public testimony in support and in opposition to the contents of the petition;

(6) Requires the Secretary of State to post the full text of proposed ballot measures within two days of its receipt and the name of the submitting person or organization. A violation of this provision will be a violation of the Open Records and Meetings Law, commonly known as the Sunshine Law;

(7) Reduces the time that the Secretary of State has to approve or disapprove the form of a ballot measure from 30 days to 15 days after its submission; and

(8) Requires a person submitting a sample sheet to also submit

at least 1,000 but no more than 2,000 signatures to the Secretary of State to place a proposal on the ballot. If the Secretary of State verifies that at least 1,000 signatures are valid by sending them to the election authorities to be verified, then the proposal will be approved. The Secretary of State verifies signatures by sending them within five days to the election authorities who have 15 days to reply. The Secretary of State then has 10 days to prepare a summary statement. Signatures obtained prior to the date the official title is certified by the Secretary of State cannot be counted.

The provision of the substitute requiring the Joint Committee on Legislative Research to conduct a public hearing contains an emergency clause.

FISCAL NOTE: Estimated Net Cost on General Revenue Fund of \$35,750 in FY 2013, FY 2014, and FY 2015. No impact on Other State Funds in FY 2013, FY 2014, and FY 2015.

PROPOSERS: Supporters say that the bill will increase security and transparency in the petition signature process by enhancing penalties for fraud and requiring a public hearing on a petition. Currently, 140 or more petitions are submitted each year and the process is in need of regulation.

Testifying for the bill were Representative Dugger; Missouri Chamber of Commerce; Missouri Municipal League; Missouri Association of Counties; Missouri Farm Bureau; Missouri Restaurant Association; and Missouri National Education Association.

OPPOSERS: Those who oppose the bill say that it makes it more difficult for grassroots organizations to submit petitions while allowing those with money to have continued access to the ballot process because they can pay people to collect the signatures. Adding a new signature requirement prior to circulation increases the complexity of the process and unacceptably shortens the time frame.

Testifying against the bill was Ron Calzone, Missouri First.

OTHERS: Others testifying on the bill say that the number of petitions is increasing drastically and a new signature requirement might help reduce the number of submissions. It might be good to remove the fiscal note requirement for ballot measures. The badge requirement indicating which signature collectors are paid may be unconstitutional.

Others testifying on the bill were Office of the Secretary of State; and United for Missouri.